

REMARKS

Claims 37-46 are pending in the present application. Claims 1-36 were cancelled in a previous amendment.

Claims 39-41, 43, 44, 45, and 46 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cukor *et al.* (U.S. Patent No. 5,168,444) (“Cukor”) in view of Tom Reding, *Digital Imaging Technology: What, Where, and Why in Commercial Nuclear Power* (“Reding”), and Jacobs *et al.* (U.S. Patent No. 5,696,898) (“Jacobs”) or Baker *et al.* (U.S. Patent No. 5,696,898) (“Baker”) and Burks *et al.* (U.S. Patent No. 5,644,778) (“Burks”).

In the Final Office Action, the Examiner repeats the prior rejection of all the claims and asserts that the arguments presented in the Response filed December 27, 2005 (“Prior Response”) were directed to “the manner in which Burks et al. format or reformat the received medical data” which “is irrelevant and should not be addressed” because “the manner in which to format the image data or document is not being claimed.” (Final Office Action, p. 3.). The Examiner’s rejections and remarks are respectfully traversed.

The remarks provided in the Prior Response explained that the claimed limitations were not taught or suggested by Burks. Rather than taking an image of a paper document and storing or transmitting that image in one or more different formats, Burks teaches taking an incoming data message (e.g., a claims submission from a hospital) and editing and rearranging that data and generating a new and different data message (e.g., one that satisfies the arrangement of data required by the insurance company).

In the Prior Response, the Applicant’s representative explained that,

Claim 44 was amended to include “means for storing images in a plurality of formats, wherein a first transaction data folder stores a first format of an image and a second transaction data folder stores a second format of the image;” claim 45 was amended to include “wherein the image is stored in at least one format in the transaction data folder;” and claim 46 was amended to include “transmitting the at least one image in a second format to a second regional processing center.”

The Examiner asserts that Burks teaches these limitations and therefore independent claims 44-46 are rejected. The rejection is respectfully traversed.

Contrary to the claimed invention, the system in Burks requires the incoming record to be a data message and not an image so that the data can be extracted from particular data fields and reorganized into a generic format.

Prior Response, pp. 9-10 (emphasis added). The independent claims have limitations directed to an “image” wherein the image is an image of a paper or hard-copy document and that image is either transmitted or stored in one or more different formats as cited above.

Burks does not show or suggest these limitations, and even teaches away from these limitations. Burks discloses,

The compiler retrieves the data from the data fields of the received data messages and organizes the data into a generic data record format. A verifier 36 checks the data fields within each generic data record to determine that the proper type of data is in each data field.

Col. 9, lines 31-35. Accordingly, Burks teaches away from receiving an image of a paper document and storing that image in a different format. Nowhere does Burks mention in its discussion of medical claims processing, receiving the image of a paper medical claim form wherein that same image is stored or transmitted in a different format. Burks does not use the word “image” in its disclosure.

For at least the reasons stated above, the cited references do not teach or suggest independent claims 44-46 of the present application. Therefore, the undersigned respectfully submits that independent claims 44-46 are allowable over the cited art. Further, dependent claims 39-41 and 43 are also allowable as they contain the limitations of the claims on which they depend. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 39-41, 43, 44, 45, and 46 .

Claims 37 and 42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cukor, Reding and Baker or Jacobs and Burks, as applied to Claim 46 above, and further in view of Wang *et al.* (U.S. Patent No. 5,490,217) (“Wang”)

Because Wang does not cure the deficiencies of Burks with respect to independent claim 46 addressed above, the undersigned representative respectfully submits that dependent claims 37 and 42 are also allowable as they contain the limitations of claim 46. Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 37 and 42.

Claim 38 stands rejected under 35 U.S.C. § 103 as being unpatentable over Cukor and Reding, and Baker or Jacobs and Burks, as applied to Claim 46 above, and further in view of Joe Dysart, *A Shortcut in the Paper Chase* (“Dysart”).

Because Dysart does not cure the deficiencies of Burks with respect to independent claim 46 addressed above, the undersigned representative respectfully submits that dependent claim 38 is also allowable as it contains the limitations of claim 46. Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claim 38.

CONCLUSION

Claims 37-46 are pending in the application. It is respectfully submitted that the prior art, alone and in combination, do not show or suggest the features of claims 37-46. Should the Examiner determine that any further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below. No fees are believed due, however, if there are any fees due, please charge to deposit account No. 501458.

Respectfully submitted,

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